

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: October 13, 2011

Agenda Item: FWP Commercial Use Permit Fee Rule

Division: Fish and Wildlife (In consultation with Parks Division)

Action Needed: Tentative: X Final: None/Informational Item:

Time Needed on Agenda for this Presentation: 15 minutes

Background: The Department is proposing a tentative Commercial Use Permit Biennial Fee Rule that would reestablish the fees for conducting commercial use on department fishing access sites, wildlife management areas, and state parks for the next two years (2012, 2013). The Commercial Use Permit Biennial Fee Rule was last updated by the Commission on November 12, 2009. Note: In addition to the Commercial Use Permit Biennial Fee Rule there are the Commercial Use Administrative Rules that establish the policy and permit requirements for conducting commercial use. The ARM rules were also updated by the Commission in 2009 and are not up for review at this time. The department is recommending the following amendments to the Commercial Use Permit Biennial Fee Rule:

1) Minimum annual fee for Restricted Use Permits (\$50 - \$100): outfitters, water-based service providers. Rationale: The department already charges a minimum annual fee for commercial use on the Beaverhead, Big Hole, Blackfoot and Madison rivers under the authority of 12.14.160, ARM. The fee amount ranges from \$50 (Beaverhead, Big Hole) to \$95 (Blackfoot, Madison). Inserting the dollar amounts into the fee rule will provide more transparency to the public. Increasing the top-end of the minimum fee from \$95 to \$100 will enable the department to be consistent on rivers operated under a joint permit system with the Bureau of Land Management (Blackfoot and Madison rivers).

2) Late Fee (\$50) for failure to submit restricted use permit fees and/or records by the required deadline. Rationale: The late fee would be used to encourage permittees to submit fees and records on time. Late payments and records create a burden on staff administering permits and have an impact on the permitting timeline for the next year.

3) Rule language allowing regional park manager or fisheries manager to select fee system for a site(s). Rationale: The rule currently grants this authority to the regional park manager in consultation with the appropriate division administrator. With the transfer of the FAS Program to the Fisheries Bureau it is necessary to add the fisheries managers to the list of authorized staff. The selection of a fee system from the fee table has not proved to be controversial and therefore consultation with the division administrator is no longer necessary.

Public Involvement Process & Results: Communication with affected parties, press releases, minimum of 30-day comment period, and information on FWP web site.

Alternatives and Analysis: The Commission could retain the current fee rule with no changes.

Agency Recommendation & Rationale: Staff recommends that the Commission approve the recommended tentative rule and seek public comment.

Proposed Motion: "I move that the Commission approve the tentative rule for commercial use permit fees pending public comment."